

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Teal Peak Capital, LLC;

Plaintiff and Counter Defendant,

And

John Michael Grzan And Namrata
Khimani

Counter Defendant,

v.

ALAN BRAM GOLDMAN;

Defendant.

Civil No. 3:20-cv-1747

Breach Of Contract; Specific
Performance Of Contract;
Reimbursement Of Funds, Costs
And Expenses

**Second and Final Motion for
Continuance of Pretrial Conference**

To the Honorable Court:

Comes Now, Teal Peak Capital, LLC ("TPC"), and through the undersigned attorney, respectfully states and prays:

1. The undersigned genuinely regrets having to appear once more to request a continuance of the Pretrial Conference. But problems in the building where the undersigned's office is and the passing of Storm/Hurricane Fiona last week up ended the operations of our office, the internal network, and our work schedule.

2. Around four weeks ago, the transformer of the building where the undersigned's office sits suffered irreparable damaged as a result of continuous power fluctuations. Because of this, the building is unable to process outside electricity, and

the only way to provide power to the offices is by running the auxiliary generator. That generator, however, cannot run all the time, and, consequently, business hours in the building have been limited to weekdays from 7:00 am to 6:00 pm. There is thus no access to the building on weekends. The network where files of the Firm are stored (such as the one pertaining to this case) is in the office and, for the network to run, it needs electricity. Without electricity, one cannot access the Firm's files. This problem has limited our ability to freely access this and other cases' files, effectively reducing our work schedule to weekdays from 7:30 am (when the network is turned on) to 6:00 pm. We can, of course, save or email documents to ourselves and use them at home, but in reality, there is only a reduced number of files we can work with. At the end, we always need access to the network and all its stored files. This case, for example, involves hundreds of email documents.

3. In addition, Storm/Hurricane Fiona hit Puerto Rico on Sunday, September 18, 2022, and the entire Island lost power. This took off a few days from our work week and prevented us from completing work that we needed to get out of the way to prepare and start this week trial proceedings in Luna Commercial II, LLC v. BMF, Inc. et al; 3:19-cv-01698-DRD. In sum, the circumstances described above—which none are attributable to the undersigned—have prevented us from coordinating with all attorneys in this case to seep through the hundreds of emails this case has and see which can be stipulated, in order to complete the Pretrial Memorandum.

4. Now, maybe a two-week final extension would suffice. But attorney for Mr. Goldman is leaving town on Saturday, October 8, for a follow up medical study in

Mayo Clinic, and does not return to the office until October 19. His associate will also be out of town from October 6 through 17. In addition, we definitely do not want under any circumstance to have to come back to request another extension. So, to be sure, we propose Friday, October 21, 2022, as deadline to file the Pretrial Memorandum and the Pretrial Conference for November 4, 2022. Note that we do not suggest the Pretrial Conference for the week of October 24-28, nor the first three days of November. If we could suggest those dates, we would. The problem is that we will see two separate trials during those weeks. The first starts on October 24 and ends on the 28, and it is in the case captioned Peerless Oil & Chemicals, Inc. v. Ret Environmental Technologies; JD2018cv00036 (Ponce). The second, Puerta del Condado v. CMCG Puerto Rico, LLC, K CD2016-0409 (San Juan), is set for November 1 and 2. Both of these trials will be held, for there is no possibility the parties will settle.

5. This request has been discussed and approved by our client, the Plaintiff. Plaintiff, as well as the undersigned, wants this case to be resolved promptly, yet, not at the expense of improperly preparing the Pretrial Memorandum. So, a short delay to ensure the adequate preparation of the Memorandum is of no consequence, at least not to Plaintiff. We have also discussed this matter with opposing counsel and attorneys for Mr. Grzan and Mrs. Khimani, and all agree with submitting this request.

6. Once again, we regret having to file this Motion and apologize for the delay and/or any inconvenience this may cause the Court, which we pray it does not. We assure the Court it is in no way our desire to delay the proceedings or

inconvenience the Court. We have just found ourselves in very unusual and practically uncontrollable circumstances, lately.

Wherefore, TPC asks that this Court set Friday, October 21, 2022, as deadline to file the Pretrial Memorandum and hold the Pretrial Conference on November 4, 2022.

Respectfully Submitted.

In San Juan, Puerto Rico, this 29th day of September 2022.

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system, which will send notice of its filing electronically to the attorneys of record.

**Sánchez-Betances, Sifre &
Muñoz-Noya**

33 Calle Bolivia, Suite 500
San Juan, PR 00917
t. 787-756-7880
f. 787-753-6580

s/Adrián Sánchez-Pagán

Adrián Sánchez-Pagán

USDPR NO. 223311

asanchez@sbsmnlaw.com